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UBER TECHNOLOGIES, INC.  
and OTTOMOTTO LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

WAYMO LLC,  
  
Plaintiff,  
  
v.  
  
UBER TECHNOLOGIES, INC.,  
OTTOMOTTO LLC; OTTO TRUCKING LLC,  
  
Defendants.

Case No. 3:17-cv-00939-WHA

**DEFENDANTS UBER  
TECHNOLOGIES, INC. AND  
OTTOMOTTO LLC'S  
ADMINISTRATIVE MOTION TO  
FILE UNDER SEAL THEIR  
OPPOSITION TO WAYMO'S  
MOTION TO COMPEL FURTHER  
DEPOSITIONS AND  
INTERROGATORIES**

Pursuant to Civil Local Rules 7-11 and 79-5, Defendants Uber Technologies, Inc. and Ottomotto LLC (“Defendants”) submit this motion for an order to file under seal portions of their Opposition to Waymo’s Opposition to Waymo’s Motion To Compel Further Depositions and Interrogatories. Specifically, Defendants request an order granting leave to file under seal the confidential portions of the following documents:

Document	Portions to Be Filed Under Seal	Designating Party
Opposition to Waymo’s Motion to Compel (“Opposition”)	Highlighted Portions	Defendants (Blue) Plaintiff (Green) Non-parties Anthony Levandowski and/or Lior Ron (Yellow) Non-parties Sandstone Group, Tyto LiDAR, and Ognen Stojanovski (Yellow)
Exhibit 1	Highlighted Portions	Defendants (Blue) Plaintiff (Green) Non-parties Anthony Levandowski and/or Lior Ron (Yellow)
Exhibit 2	Highlighted Portions	Plaintiff (Green)
Exhibit 3	Highlighted Portions	Defendants (Blue)
Exhibit 4	Entirety	Non-parties Sandstone Group, Tyto LiDAR, and Ognen Stojanovski
Exhibit 6	Highlighted Portions	Defendants (Blue)
Exhibit 8	Highlighted Portions	Defendants (Blue)
Exhibit 9	Entirety	Non-parties Anthony Levandowski and/or Lior Ron

The blue-highlighted portions of Exhibits 1 and 3 contain highly confidential information regarding the technical features, development, evolution, and design considerations of Uber’s

1 LiDAR systems. This highly confidential information is not publicly known, and its  
2 confidentiality is strictly maintained. Disclosure of this information could allow competitors to  
3 obtain a competitive advantage over Uber by giving them details into the technical development  
4 of Uber's LiDAR sensors, such that Uber's competitive standing could be significantly harmed.  
5 (Declaration of Michelle Yang in Support of Defendants' Administrative Motion to File  
6 Documents Under Seal ("Yang Decl.") ¶ 3.)

7 The blue-highlighted portions of the Opposition and Exhibit 6 contain confidential  
8 information regarding financial and commercial terms of Uber's business agreements, and  
9 correspond to terms for which the Court granted sealing in the Draft Term Sheet; the Court found  
10 that this confidential business information merited sealing. (Dkt. 550 at 3.) They also identify  
11 business terms with respect to Otto Trucking for which the Court granted sealing in the draft  
12 Term Sheet. In addition, the blue-highlighted portions of Exhibit 8 contain confidential  
13 information regarding business agreement terms of a Merger Agreement for which the Court has  
14 granted sealing. If this information were disclosed, competitors and counterparties could obtain a  
15 competitive advantage by tailoring their negotiation or business strategy such that Uber's  
16 competitive standing could be harmed. (Yang Decl. ¶ 4.)

17 The yellow-highlighted portions of the Opposition and Exhibit 1, as well as the entirety of  
18 Exhibit 9, contain information designated confidential by counsel for non-parties Anthony  
19 Levandowski and/or Lior Ron. Defendants expect these non-parties to file supporting  
20 declarations as needed. (Yang Decl. ¶ 5.)

21 The yellow-highlighted portions of the Opposition and entirety of Exhibit 4 may contain  
22 confidential information of non-parties Sandstone Group, Tyto LiDAR, and Ognen Stojanovski,  
23 who have requested that their confidentiality interests be respected in this proceeding. (Dkt.  
24 1533.) Defendants expect these non-parties to file supporting declarations if needed. (Yang Decl.  
25 ¶ 6.)

26 The green-highlighted portions of the Opposition and Exhibits 1-2 contain information  
27 that has been designated "Highly Confidential – Attorneys' Eyes Only" by Waymo in accordance  
28 with the Patent Local Rule 2-2 Interim Model Protective Order ("Protective Order"), which the

1 parties have agreed governs this case (Transcript of 3/16/2017 Hearing, page 6). Defendants file  
2 this material under seal in accordance with Paragraph 14.4 of the Protective Order. (Yang Decl.  
3 ¶ 7.)

4 Pursuant to Civil Local Rule 79-5(d)(2), Defendants will lodge with the Clerk the  
5 documents at issue, with accompanying chamber copies.

6 Defendants served Waymo with this Administrative Motion to File Documents Under  
7 Seal on September 26, 2017.

8 For the foregoing reasons, Defendants request that the Court enter the accompanying  
9 Proposed Order granting Defendants' Administrative Motion to File Documents Under Seal and  
10 designate the service copies of these documents as "HIGHLY CONFIDENTIAL –  
11 ATTORNEYS' EYES ONLY."

12 Dated: September 26, 2017

MORRISON & FOERSTER LLP

13  
14 By: /s/ Arturo J. Gonzalez

ARTURO J. GONZALEZ

15 Attorneys for Defendants  
16 UBER TECHNOLOGIES, INC. and  
17 OTTOMOTTO LLC  
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